

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

|                 |   |                              |
|-----------------|---|------------------------------|
| RICHARD BARROW, | ) | CASE NO. 1:16 CV 3029        |
|                 | ) |                              |
| Plaintiff,      | ) | JUDGE DAN AARON POLSTER      |
|                 | ) |                              |
| v.              | ) |                              |
|                 | ) |                              |
| NAILAH BYRD,    | ) | <u>MEMORANDUM OF OPINION</u> |
|                 | ) | <u>AND ORDER</u>             |
|                 | ) |                              |
| Defendant.      | ) |                              |

*Pro se* plaintiff Richard Barrow, a state prisoner incarcerated in the Mansfield Correctional Institution, has filed this civil rights action against the Cuyahoga County Clerk of Court Nailah Bryd. Plaintiff alleges that Bryd violated his constitutional rights because he did not timely receive a copy of a ruling by the Ohio Court of Appeals on a post-judgment motion he filed to re-open his direct appeal. He seeks \$50,000 in damages against Bryd pursuant to 42 U.S.C. §1983.

Federal district courts are expressly, under 28 U.S.C. §1915A, to screen any action in which a prisoner seeks redress from a governmental official or employee, and to dismiss before service any such action that the court determines is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from defendant who is immune from such relief. *See* 28 U.S.C. §1915A; *Hill v. Lappin*, 630 F.3d 468, 470-71 (6<sup>th</sup> Cir. 2010).

The Court finds that the plaintiff's complaint must be summarily dismissed pursuant to

§1915A. It is well established that judges and other court officers enjoy absolute immunity from suits seeking monetary damages on claims arising out of the performance of judicial or quasi-judicial functions. *See Wappler v. Carniak*, 24 F. App'x 294, 295-96 (6th Cir. 2001); *Foster v. Walsh*, 864 F.2d 416, 417-18 (6th Cir.1988) (finding court clerk immune). Because the plaintiff's allegations clearly pertain to Byrd's performance of quasi-judicial duties, she is absolutely immune from the plaintiff's damages suit.

### **Conclusion**

Accordingly, this action is dismissed pursuant to 28 U.S.C. §1915A. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.



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DAN AARON POLSTER  
UNITED STATES DISTRICT JUDGE